

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants – Social Welfare Department – Certain serious irregularities in depositing of decretal amount in Court in respect of land acquisition at Pisinikada and Yalamanchili villages of Visakhapatnam District – Departmental proceedings against Sri P.Somaraju, formerly Assistant Director (Legal Cell), O/o Commissioner of Social Welfare, A.P. Hyderabad now DSWO Medak District – Imposing the penalty of “Compulsory Retirement” under rule 9 (VI to X) of the APCS (CC & A) Rules, 1991 – Orders – Issued.

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SOCIAL WELFARE (SER.III.2) DEPARTMENT

G.O.Rt.No: 323

Dated: 23-04-2011.

Read the followings:-

1. From the Commissioner of Social Welfare, Procs. No. K1/2402/2000, Dated.22.03.2000.
2. G.O.Rt.No. 246, Social Welfare (SW.Ser.I) Department, Dated.25-04-2000.
3. From Dr. C.S. Rangachari, I.A.S., Spl. CS to Govt. and Chairman, COI and Inquiring Authority, D.O.Lr.No.67/COI-CH/2000-16, Dated: 30.09.2000.
4. G.O.Ms.No. 44, Social Welfare (SW.Ser.III.2) Department, Dt.23-06-2007.
5. Petitioner's Affidavit in OA No. 3647/2007 filed by Sri. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, Hyderabad.
6. From the Hon'ble A.P.A.T., Orders, dt. 6-11-2007 in O.A.No.3647/2007.
7. C.A. No. 281/2008 in OA No. 3647/2007 filed by Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, Hyderabad.
8. From the Hon'ble High Court of A.P., Hyderabad, Orders, Dated:28-08-2008. in W.P.M.P.No. 24261/2008 in W.P.No. 18640/2008.
9. From the Hon'ble Supreme Court of India, Orders, Dated:21-11-2008.
10. From the Hon'ble High Court of A.P., Hyderabad, Orders, Dated:02-03-2000, W.P. No. 18640/2008.
11. G.O. Ms. No. 93, (SW.III) Deptt., Dated.08-09-2009.
12. Govt. Memo. No. 4750/Ser.III.2/2000-16, Dated.21-12-2009.
13. From Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, A.P., Hyderabad, Explanation dated.19.04.2010.
14. Govt. letter No.4750/SW.Ser.III.2/2007-17, Dated.18.09.2010.

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ORDER :

Whereas, it was brought to the notice of the Government that certain officers in Social Welfare Department were involved in certain lapses in depositing the decretal amount in the Sub-Court, Narsipatnam in respect of land acquisition at Pisinikada and Yelamanchili villages of Visakhapatnam, the Government in Social Welfare Department and Commissioner of Social Welfare, A.P., Hyderabad framed Articles of Charges against six (6) officers including Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, A.P., Hyderabad as they committed certain lapses in depositing the decretal amount in Sub-Court, Narsipatnam vide reference first read above by the CSW, A.P., Hyderabad.

2. After examining the written statements of defense submitted by Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW and (5) others, Dr. C.S. Rangachari, I.A.S., the then Spl. C.S to Govt. and Chairman, Commissioner of Inquiries was appointed as the Inquiring Authority to enquire into the charges framed against all the six charged officers vide reference 2<sup>nd</sup> read above. The Inquiring Authority submitted his enquiry report vide reference 3<sup>rd</sup> read above.

(P.T.O....)

3. After examining the enquiry report in detail, and whereas the Inquiry Authority held the charge against Sri P.Soma Raju, formerly Asst. Director (Legal Cell) as proved.

4. And whereas, the Govt., have examined the matter and major penalty of removal from service was imposed against Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW Hyderabad, in the G.O. 4<sup>th</sup> read above.

5. Aggrieved by the said orders, Sri P. Soma Raju filed O.A. No. 3647/2007 in the Hon'ble APAT vide reference 5<sup>th</sup> read above. The Hon'ble APAT in its orders Dated 06-11-2007 while setting aside the orders of removal from service against Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW Hyderabad issued in the G.O. 4<sup>th</sup> read above, also remanded to the disciplinary authority to pass orders in accordance with the decision taken earlier i.e. to impose a major penalty of stoppage of two increments with cumulative effect by the Government.

6. Whereas, the Government have not implemented the said orders issued by the Hon'ble A.P.A.T. in the reference 6<sup>th</sup> read above, Sri. P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, A.P., Hyderabad filed contempt case in the Hon'ble A.P.A.T., Hyderabad in the reference 7<sup>th</sup> read above. The Govt. filed W.P.No. 18640/2008, before the Hon'ble High Court of AP for stay of the order dated. 06-11-2007 of the Hon'ble APAT.

7. Whereas, the Hon'ble High Court of AP in its order dated 28-08-2008 rejected the stay petition filed by the Govt. Therefore, the Govt. filed SLP in the Hon'ble Supreme Court of India.

8. In the reference 9<sup>th</sup> read above, the Hon'ble Supreme Court of India in its orders, dated 21-11-2008 requested the High Court to dispose of the matter within three months.

9. In the reference 10<sup>th</sup> read above, the Hon'ble High Court of A.P., Hyderabad, in its orders dated 2-3-2009 in W.P. No 18640/2008 ordered as follows:

"In the circumstances, we deem it appropriate that the Tribunal has committed a jurisdictional error in suggesting the punishment of stoppage of two increments with cumulative effect instead of dismissal from service. That portion of the order is hereby set aside and the matter is remitted to the Disciplinary Authority to consider the matter afresh within a period of six weeks from the date of receipt of copy of the order"

10. Whereas, the Government have examined the matter afresh and issued orders in the reference 11<sup>th</sup> read above cancelling the orders issued in the reference 4<sup>th</sup> read above and reinstated the individual into service pending finalization of disciplinary case against him. Whereas the Government, further examined the matter and provisional decision was taken to impose penalty of "Compulsory Retirement" against the individual. Accordingly, in the reference 12<sup>th</sup> read above, a show cause notice was issued to Sri P. Soma Raju, Asst. Director (Legal Cell), as to why any major penalty under Rule 9 (VI to X) of APCS (C.C.&A) Rules, 1991 should not be imposed against him for the charges held proved against him. Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, A.P., Hyderabad now working as DSWO, Medak District submitted his explanation vide reference 13<sup>th</sup> read above for dropping further action against him.

11. Whereas, the Government have examined the explanation of the Charged Officer and observe that there are no new grounds to consider the request made by the Charged Officer. Government have therefore taken a decision to impose the penalty of Compulsory Retirement against the Charged officer Sri P. Soma Raju, Asst. Director (Legal Cell), O/o the CSW, A.P., Hyderabad now working as DSWO, Medak District. Government then consulted APPSC vide reference 14<sup>th</sup> read above.

12. Government after careful examination of the matter, and the advice of APPSC, have decided to impose the penalty of "Compulsory Retirement" against the Charged officer.

13. Accordingly, the Government hereby impose the penalty of "Compulsory Retirement" against Sri P. Soma Raju, former Assistant Director (legal Cell), O/o. Commissioner of Social Welfare, A.P., Hyderabad, now working as District Social Welfare Officer, Medak District under Rule 9 (viii) of the APCS (CC&A) Rules, 1991.

14. The Commissioner of Social Welfare, A.P., Hyderabad is therefore directed to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P. Soma Raju, formerly Assistant Director (legal Cell),  
O/o. CSW A.P., Hyderabad now working as DSWO,  
Medak District (through Commissioner (SW), Hyderabad).

The Commissioner of Social Welfare, A.P., Hyderabad.

The Collector, Medak District.

The Deputy Director (SW), Medak District.

The Accountant General (A&E) Department.

The Deputy Accountant General (Pensions), O/o. A.G., A.P., Hyderabad.

The Principal Secretary, A.P. Public Service Commission, Hyderabad w.r.t. the  
letter No.1403/RT-1/3/2010, dated 23.11.2010.

The Secretary, to VC., APVC, Hyderabad.

Copy to

P.S. to Hon'ble Minister for Social Welfare

P.S. to Principal Secretary (SW).

Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER (FAC)